

IN UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES R. GIBSON,

Defendant.

Case No: 3:01-CR-30005-JPG-PMF

ORDER

This matter comes before the Court on Magistrate Judge Philip M. Frazier's Report and Recommendation ("R & R") (Doc. 620) of August 19, 2011, wherein it is recommended that Defendant's request for a hearing (Doc. 613) be denied. No party objected to the R & R. After reviewing a magistrate judge's report and recommendation, the Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in the report. Fed. R. Civ. P. 72(b). The Court has discretion to conduct a new hearing and may consider the record before the magistrate judge anew or receive any further evidence deemed necessary. *Id.*

The Court must review *de novo* the portions of the report to which specific written objections are made. *Id.* "If no objection or only partial objection is made, the district court Judge reviews those unobjected portions for clear error." *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999). Accordingly, because no party objected, the Court will be reviewing Judge Frazier's R & R for clear error, instead of applying a *de novo* standard of review.

After reviewing the Report and Recommendation prepared by Magistrate Judge Phillip M. Frazier, the Court finds there is no clear error. Defendant has failed to follow orders given to him by the Court after being warned that non-compliance would be dispositive of his request. (Doc. 616).

Accordingly, the Court hereby **ADOPTS** the R & R (Doc. 620) **in its entirety**, whereby the Court **DENIES** the Defendant's request for a hearing. (Doc. 613).

**IT IS SO ORDERED.**

**DATED: September 26, 2011.**

s./ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**